



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

JAN 05 2017

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mike Vogler
Senior Vice President of Operations
Tradepoint Atlantic
1600 Sparrows Point Boulevard
Baltimore, MD 21219

Re: SPCC Case Number: SPCC-MD-2017-00004
Tradepoint Atlantic, 1600 Sparrows Point Boulevard , Baltimore, MD 21219

Dear Mr. Vogler:

The United States Environmental Protection Agency, Region III ("EPA") would like to thank you for providing the opportunity to inspect the facility located at 1600 Sparrows Point Boulevard, Baltimore, MD 21219 ("Facility") on November 29, 2016. EPA's inspection was conducted to ensure regulatory compliance with Section 311(j) of the Clean Water Act, as amended 33 U.S.C. § 1321(j).

As you are aware, EPA has the authority under the Clean Water Act to pursue civil penalties for violations of the CWA regulations found at 40 C.F.R. Part 112. EPA noted the following potential violations(s) of those regulations during the inspection of your Facility and from its review of your Facility's Spill Prevention, Control and Countermeasure Plan ("SPCC Plan"):

1. **Violation of 40 C.F.R. § 112.3(d):** for failure to certify the SPCC Plan. The SPCC Plan was not properly certified by a registered professional engineer in accordance with 40 C.F.R. § 112.3(d), which requires a certification statement including five attestations, signed by the registered professional engineer, with the engineer's seal affixed.

The last Professional Engineer attestation must state that the Plan is adequate for the facility. The attestation in the submitted SPCC Plan states that the Plan is believed to be adequate for the facility.

2. **Violation of 40 C.F.R. § 112.7:** for failure to prepare an SPCC Plan that follows the sequence of the rule, or an equivalent Plan which includes all applicable SPCC requirements with a cross-reference to 40 C.F.R. § 112 requirements.

The cross-reference submitted with the SPCC Plan does not contain all of the required 40 C.F.R 112 provisions. Specifically, it stops at 40 C.F.R 112.7(k) though there are additional applicable cites after this.



- 3. Violation of 40 C.F.R. § 112.7(a)(3):** for failure to describe in the Plan the physical layout of the facility and include a facility diagram. The diagram must:
- mark the location and contents of each container;
 - include all transfer stations and connecting pipes

The SPCC Plan does not include a facility diagram. There are several figures that show the tanks or transformers but not one that shows all of the required elements of the diagram.

- 4. Violation of 40 C.F.R. § 112.7(b):** for failure to predict the direction, rate of flow, and total quantity of oil which could be discharged from the facility as a result of each major type of equipment failure.

The equipment failure scenarios do not address any of the transformers.

- 5. Violation of 40 C.F.R. § 112.7(e):** for failure to provide complete discussions and/or implement requirements pertaining to Inspections, Tests, and Records.
- Inspections are in accordance with written inspection procedures included in the Plan.
 - Maintain written procedures and inspection and test records for a period of three years.

The facility could not produce any records of inspections. The inspection procedures in the SPCC Plan do not address the transformers or drums. Additionally, the transformers have diked containment with valves that can be opened to allow rainwater to drain. The inspection procedures should address how rainwater is inspected prior to opening the valve to prevent a discharge.

- 6. Violation of 40 C.F.R. § 112.7(f):** for failure to provide complete discussions and/or implement requirements pertaining to Personnel, Training, and Discharge Prevention Procedures.
- Properly instruct oil handling personnel in oil pollution prevention equipment, discharge procedure protocols, pollution control laws and regulations, and the SPCC Plan [Section 112.7(f)(1)]
 - Schedule and conduct discharge prevention briefings at least once a year. [Section 112.7(f)(3)]

SPCC training and discharge prevention briefings for oil-handling personnel have not been conducted since Tradepoint Atlantic acquired the facility in 2014.

- 7. Violation of 40 C.F.R. § 112.8(c):** for failure to provide complete discussions and/or implement requirements pertaining to Bulk Storage Containers.
- Regularly test or inspect aboveground containers for integrity and whenever material repairs are made. The appropriate qualifications for personnel performing tests and inspections, the frequency and type of testing and inspections must be determined in accordance with industry standards. Keep comparison records, inspect container supports and foundations, and frequently inspect the outside of containers for deterioration, discharges, or accumulation of oil inside diked areas. [Section 112.8(c)(6)]

The facility could not produce records of integrity testing for any of the tanks at the facility. The SPCC plan indicates that visual inspections are used but specifies that API 653 is the standard. The frequency for testing given in the SPCC Plan is monthly which is not correct for API 653 inspections.

- 8. Appendix C to Part 112—Substantial Harm Criteria 3.0, Certification for facilities that do not pose substantial harm** - If the facility does not meet the substantial harm criteria listed in Attachment C-I to this appendix, the owner or operator shall complete and maintain at the facility the certification form contained in Attachment C-II to this appendix.

The Certification of Substantial Harm form in the SPCC Plan is missing Question 5.

EPA is currently evaluating its enforcement options to address the aforementioned potential violations. In the interim, EPA expects the Facility to fully comply with its obligations under the CWA, specifically to ensure the SPCC Plan has the proper Professional Engineer attestations, ensure the SPCC Plan has an appropriate cross-reference; ensure the SPCC Plan contains a facility diagram with all required information; ensure the SPCC Plan includes all applicable equipment failure scenarios; ensure inspections are conducted in accordance with written procedures and properly documented; ensure training and discharge prevention briefings are conducted; ensure the SPCC Plan has a discussion on drainage from diked areas; maintain drainage records for applicable areas; conduct integrity testing on all bulk storage containers; and ensure the Substantial Harm form has all required questions. Within thirty (30) days of your receipt of this letter please provide written notification that the compliance issues observed at the facility, as described above, have been corrected. In addition, include in this notification a detailed description of the work performed by the facility to come into compliance, including but not limited to, photo documentation, invoices, etc.

Please be advised that this letter does not constitute a waiver, suspension or modification of the requirements of the Clean Water Act or other federal enforcement authorities. Further, nothing herein shall be construed to limit the authority to EPA to undertake action against any person in response to any condition which EPA determines may present a hazard, or an imminent and substantial endangerment to the public health, public welfare or the environment.

Should you have any questions, please contact Rachel Simkins at 215-814-3277.

Sincerely,



Joan Armstrong, Associate Director
Office of Enforcement
Hazardous Site Cleanup Division

cc: Case File

